



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

: Confirmation No. 8963

Norio KIMURA et al.

: Docket No. 2002-0064

Serial No. 10/060,366

: Group Art Unit 3723

Filed February 1, 2002

: Examiner Shantese L. McDonald

METHOD AND APPARATUS FOR  
DRESSING POLISHING CLOTH

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**REQUEST FOR RECONSIDERATION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Action of September 3, 2004, Applicants kindly request reconsideration of the rejections contained therein.

In the Office Action, the Examiner rejected claims 3-6 as being unpatentable over França in view of Birang et al. However, it is respectfully submitted that França does not represent prior art applicable against the present invention. The present application was filed February 1, 2002, and was amended at the time of its filing to indicate that it is a divisional application of U.S. Patent Application Serial No. 08/881,616, filed June 25, 1997. This parent application is now U.S. Patent 6,364,752. The specification and drawings filed in this application are the same as that filed in the parent application. The claims of the present application, accordingly, are fully supported by the parent application. Accordingly, these claims are entitled to benefit of the parent application filing date of June 25, 1997.

The França patent has a filing date three years after the effective filing date of the present application, and thus the França patent does not represent prior art on the claims of the present

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application under any section of 35 U.S.C. §102. For this reason, the Examiner may not use the França patent in a substantive rejection against the claims of the present application.

In view of the above, it is respectfully submitted that the Examiner's rejection must be withdrawn. Such withdrawal of the rejection, and allowance of the present application as a whole, is respectfully requested.

In view of the above it is submitted that the present application is now in condition for allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact Applicants' undersigned representative.

Respectfully submitted,

Norio KIMURA et al.

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